

REMARKS

Dependent claims 4 and 9 have been amended to replace the expression “such as” with the expression –selected from the group comprising--. Claim 14 has been amended to recite that the claim depends from claim 13, and claim 12 has been cancelled.

In summary, claims 1-11 and 13-19 are pending in the application.

As recited in claim 1, Applicants claim an aqueous composition for dry cleaning and/or degreasing textiles and/or leathers. The composition comprises essential oils and surface active agents, and is etherizable and micronizable to less than 50 μm , and the ingredients of the composition are entirely of vegetal origin. A method of dry cleaning and/or degreasing textiles and/or leathers and a dry cleaning machine are also claimed.

Rejection under 35 USC §112

Claims 4, 9, 10, 11, 12 and 14 were rejected under 35 USC §112, second paragraph, on the ground that the recitation in claims 4 and 9 of the phrase “such as” rendered the claims indefinite, and also on the ground that there is insufficient antecedent basis for the recitation of “the drum” in claim 14. As noted above, claims 4 and 9 have been amended to replace “such as” with –selected from the group comprising--, and claim 14 has been amended to depend on claim 13 which provides antecedent basis for the recitation of “the drum.” In view of these amendments, it is respectfully requested that the rejection stated under 35 USC §112 be reconsidered and withdrawn.

Rejection under 35 USC §103

Claims 1-9 were rejected under 35 USC §103 as being unpatentable over Kamiya (US 6,136,778) in view of Severns et al. (US 2005/0050644).

Before addressing the substance this rejection, Applicants note first that this Severns et al (US 2005/0050644) 2005 application publication is applied in the Office Action against the claims, but is not listed in the Notice of References Cited (Form PTO-892) accompanying the Office Action. Furthermore, this 2005 application publication does not qualify as prior art under 35 USC § 102(a) or 102(b) relative to the present application, which is the U.S. national stage of international patent application PCR/FR2004/000826 filed April 1, 2004. Applicants further

note that an earlier, 2002 application publication of Severns (US 2002/0133886) was cited by Applicants in the Information Disclosure Statement (Form PTO/SB/08A) filed on October 3, 2005. It is respectfully requested that the record be clarified on this point to identify the publication which was intended to be cited in support of the rejection of the claims.

Regarding claim 1, Kamiya is cited for teaching an aqueous composition comprising essential oils and surface active agents. At page 3 of the Office Action, the aqueous composition of Kamiya is described as being for “dry cleaning”. However, Applicants point out that Kamiya’s teachings are limited to the use of the aqueous composition as a detergent. There is no teaching or suggestion in Kamiya that the aqueous composition may be used for dry cleaning. At column 1, lines 11-41, Kamiya provides a most extensive list of the uses falling under the “first aspect of the invention” disclosed in Kamiya. To wit, the list includes:

- Laundry detergents for clothes;
- Dishwashing detergents;
- Bath detergents;
- Detergents for partial dermal treatment;
- Bathtub scale detergents;
- Detergents for the inside of a bath furnace;
- Detergents for fungal degradation;
- Detergents for sanitary ware, such as a toilet bowl or urinal;
- Cleaning agents for drain pipe;
- Exterior detergents for vehicles such as automobiles or electric railcars, or airplanes;
- Detergents for washing the exterior, floor, tile, glass, etc., of a building with water;
- Detergents for dishwashers at restaurants;
- Detergents for washing kitchen instruments, utensils, floor, gutter, etc., with water;
- Detergents for removing agricultural chemicals adhering to farm produce;
- For industrial use in refining of vegetable fibers, refining of wool or silk, refining of raw hide, or as a deinking agent for paper pulp;
- To prevent clogging of a drain pipe.

In addition, beginning at column 1, line 42, Kamiya describes “a second aspect and a third aspect of the present invention” as relating to a dishwashing detergent composition, which is also described at column 3, lines 53-60, as “a weakly acidic, versatile detergent for home care products”.

To summarize, in the extensive “laundry list” of the uses for the disclosed aqueous detergent composition, Kamiya does not touch upon dry cleaning. It is also clear from the nature of all the extensive number of uses described by Kamiya that dry cleaning is not at all envisioned.

Acknowledging that Kamiya does not teach that the composition is etherizable and micronizable to less than 50 μm , the Office Action cites Severns et al. for teaching a method and an apparatus for applying a treatment fluid to fabrics, comprising etherizing and micronizing the composition to no less than 50 μm (e.g., less than 100 μm at paragraphs [0082 and 0084].) The conclusion is set forth that it would have been obvious to one of ordinary skill in the art to utilize the teachings of Severn in the teachings of Kamiya in order to provide a method and system for cleaning or treating fabrics.

The disclosure of Severns et al. centers on an apparatus for treating or washing fabrics which uses a “lipophilic cleaning fluid” containing at least 50% by weight of a “lipophilic fluid” defined as “any non-aqueous solvent capable of removing sebum.” See [0027] at page 2 and [0058] at page 4. The lipophilic fluid is further described at page 19, [0228], as “capable of at least partially dissolving sebum and body soil.” In particular, the lipophilic fluid “can include “any fraction of dry-cleaning solvents, especially new types including fluorinated solvents, or perfluorinated amines.” Other lipophilic acids disclosed as suitable are diol solvent systems and organosilicon solvents (i.e., silicones).

Applicants submit that a person of ordinary skill in the art would not consider modifying the teachings of Kamiya, which pertain to a detergent system identified throughout the text of this reference as being “aqueous”, by borrowing from the teachings of Severns et al. which require a cleaning fluid containing at least 50% by weight of solvents, in particular dry-cleaning solvents.

Furthermore, as noted above, the thrust of the teachings of Kamiya is so far removed from dry cleaning of fabrics that a person of ordinary skill in the art would not consider using Kamiya’s aqueous detergent composition in a dry cleaning process.

The Office Action cites Severns et al. for teaching micronization of the cleaning fluid to a size of less than 100 μm . However, Applicants note that Severns et al. teaches that a size greater than 100 μm is preferred, so that the droplets delivered by means of the applicator 26 are not carried away by the circulating air stream resulting from movement of the chamber 1.

“A preferred droplet size is from about 100 to about 1000 microns.... When finer mist is used, e.g., droplets with an average particle size of less than 100 microns, the spray pattern is typically disturbed by air movement in the chamber 1.” (Page 5, [0084])

There is no aspect of the teachings of Severns et al. that would lead a person of ordinary skill in the art away from the size indicated by Severns et al. as being preferred. Therefore, if it were assumed that such person of ordinary skill in the art were to be led to apply the teachings of Severns et al. to those of Kamiya, the logical result would have been the selection of a droplet size of at least 100 microns. There would have been no reason for selecting the size of 50 microns recited in Applicants' claims.

For the reasons stated above, Applicants respectfully request that the rejection of claims 1-9 over Kamiya in view of Severns et al. be reconsidered and withdrawn.

Claims 10-12 were rejected under 35 USC §103 as being unpatentable over Kamiya (US 6,136,778) in view of Severns et al. (US 2005/0050644) and Noyes et al. (US 2005/0256015). As recited in claim 10, Applicants claim a method of dry cleaning and/or degreasing textiles and/or leathers, which comprises:

- tumbling the textiles and/or leathers in a leaktight enclosure,
- impregnating them with a small quantity of an aqueous composition according to claim 1, by pneumatic atomization to no more than 50 μm ,
- for a limited duration, and at a temperature less than or equal to 45°C, until there is a weight gain of about 5% to 70%.

Kamiya is cited in the Office Action for teaching the aqueous composition of claim 1. However, as noted above, Kamiya does not teach the feature that the aqueous composition is micronizable to less than 50 μm . Acknowledging that Kamiya does not teach the steps of tumbling in a leaktight enclosure and impregnating with the aqueous composition, the Office Action cites Severns et al. for teaching those steps. However, as already set forth above in response to the rejection of claims 1-9, Applicants submit that a person of ordinary skill in the art

would not consider modifying the teachings of Kamiya, which pertain to an aqueous detergent composition, with those of Severns et al., which pertain to an apparatus for treating or cleaning fabrics with a “lipophilic cleaning fluid” containing at least 50% by weight of a “lipophilic fluid” which is a non-aqueous solvent. Furthermore, even if it were assumed that a person of ordinary skill in the art were to consider such combination, the logical result would have been the selection of a droplet size of at least 100 μm , which is above the limit recited in Applicants’ claims.

Acknowledging that neither Kamiya nor Severns et al. teach the temperature of less than or equal to 45°C and the weight gain of about 5% to 70% recited in claim 10, the Office Action cites Noyes et al. for disclosing those limitations. Noyes et al. is an application publication which names a number of inventors in common with the cited Severns et al. application. The disclosure of Noyes et al. is similar to the disclosure of Severns et al. in that Noyes et al. teaches the use of a cleaning fluid which contains at least 50% by weight of a “lipophilic fluid” defined in the same manner as in Severns et al. In particular, the lipophilic fluid “can include any fraction of dry-cleaning solvents, especially new types including fluorinated solvents, or perfluorinated amines.” Other lipophilic acids disclosed as suitable are diol solvent systems and organosilicon solvents (i.e., silicones). See page 6 of Noyes et al., [0100] and [0106].

Applicants submit that, just as for Severns et al., a person of ordinary skill in the art would not consider applying the teachings of Noyes et al. to modify the teachings of Kamiya et al.

For all the above reasons, it is respectfully that the rejection of claims 10 and 11 (claim 12 having been cancelled) over Kamiya (US 6,136,778) in view of Severns et al. (US 2005/0050644) and Noyes et al. (US 2005/0256015) be reconsidered and withdrawn.

Rejection under 35 USC §102(e)/103(a)

Claims 13-19 were rejected under 35 USC §102(e)/103(a) as being unpatentable over Severns et al. (US 2005/0050644). As recited in claim 13, Applicants claim a machine for dry cleaning textiles and leathers, the machine comprising: a drum provided with beaters mounted in a leaktight enclosure; heater means; suction means; filter means; control means; and a door, the machine including means for producing within the enclosure pneumatic atomization at no more than 50 μm of a washing aqueous composition according to claim 1 during a limited period of

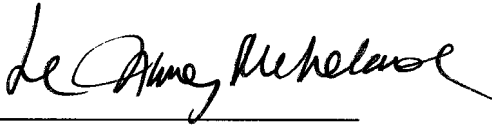
time, and at a temperature less than or equal to 45°C, until the garments have gained about 5% to 70% in weight.

As pointed out above, paragraph [0084] of Severns et al. clearly teaches that the droplets delivered by means of the applicator **26** must be large enough (from about 100 μm to about 1,000 μm) so as not to be carried away by the circulating air stream resulting from the movement of the chamber **1**, because the spray pattern is typically disturbed by air movement in the chamber when the droplet size is less than 100 μm . In view of this clear teaching of Severns et al., Applicants submit that a person of ordinary skill in the art would not consider making a dry cleaning machine according to Severns but provided with means for producing pneumatic atomization at not more than 50 μm , as recited in Applicants' claims 13-19. It is respectfully requested that the rejection of claims 13-19 over Severns et al. be reconsidered and withdrawn.

The Applicants believe that the application is in condition for allowance. However, should the Examiner consider that there is any remaining issue and it may be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicants' attorney at the telephone number listed below.

A petition for a three-month extension of the period for response to the Office Action and the requisite fee are submitted concurrently herewith. In the event of a deficit in the payment of the required fee, please charge the deficit to Deposit Account No. 502081.

Respectfully submitted,
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